

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

ALBERT J. OSTEEN ]  
Plaintiff, ]  
] v. ]  
CONSTANCE TAIT, et al. ]  
Defendants. ]

No. 3 08 0817\*  
(No. 3:08-mc-0191)  
Judge Campbell

M E M O R A N D U M

The plaintiff, proceeding *pro se*, is an inmate at the Davidson County Criminal Justice Center in Nashville. He brings this action pursuant to 42 U.S.C. § 1983 against Constance Taite, an attorney employed by the Davidson County Sheriff's Department; Daron Hall, Sheriff of Davidson County; Karl Dean, Mayor of Nashville; and seventeen (17) members of the Davidson County Sheriff's Department; seeking injunctive relief.

The plaintiff describes himself as being 62 years old and mentally disabled. He alleges that the defendants "have engaged in a long term pattern here assaulting and harassing inmates . . ." The plaintiff claims that he lives in fear of his jailors, resulting in difficulty eating, sleeping and concentrating, and that he is now suffering extreme mental anguish. He has alleged several instances of other inmates who have been assaulted by the jail's staff.

No federal civil action may be brought by a prisoner for mental or emotional injury suffered while in custody without a prior showing of physical injury. 42 U.S.C. § 1997e(e). In this case, the plaintiff asserts that he is so fearful of the jail staff

that he now suffers extreme mental anguish and distress. He has not, however, alleged that he personally was ever physically assaulted or injured in any other way. Nor does he have standing in a non-class action context to assert the constitutional claims of other inmates. Newsom v. Norris, 888 F.2d 371, 381 (6<sup>th</sup> Cir. 1989). As a consequence, the plaintiff has failed to state a claim upon which § 1983 relief may be granted.

Having failed to state an actionable claim, the Court is obliged to dismiss the complaint *sua sponte*. 28 U.S.C. § 1915(e)(2). Accordingly, an appropriate order will be entered dismissing this action.

Todd Campbell  
Todd Campbell  
United States District Judge